

WEST VALLEY CITY PERMANENT MONUMENT POLICY

It is the intent of this policy to set forth the purpose, policy and procedure for the display of permanent monuments in West Valley City. This policy is based on the holdings set forth in *Pleasant Grove City, Utah v. Summum*, 129 S.Ct. 1125 (2009). In *Pleasant Grove*, the Court held that although a park is a traditional public forum for speeches and other transitory expressive acts, the display of a permanent monument in a public park is not a form of expression to which forum analysis applies. Instead, the placement of a permanent monument in a public park is best viewed as a form of government speech and is therefore not subject to scrutiny under the Free Speech Clause of the U.S. Constitution. Therefore, the City shall not apply a forum analysis to determine whether or not to permanently display a monument in a public park. Rather, the City shall make that determination as set forth in this policy.

POLICY

It is the policy of the City that any monument will be considered for permanent display on City property if the applicable Permanent Monument Review Committee determines that it furthers the mission of West Valley City, as set forth herein.

MISSION

West Valley City seeks to preserve and promote community heritage, to unify the community, to bolster community pride, to honor personal sacrifice and public service and to recognize City achievements, military achievements, educational achievements, philanthropic achievements, and athletic achievements.

REVIEW PROCEDURE

The City has established two Permanent Monument Review Committees (“PMRC”), the Parks PMRC and the Facility PMRC. The Parks PMRC members shall consist of five members appointed by the City Manager and shall include the Parks and Recreation Director or designee, the City Attorney or designee, one City Council member and two additional members at the discretion of the City Manager. The Facility PMRC members shall consist of the same, but rather than the Parks and Recreation Director member, the Assistant City Manager shall serve on the Facility PMRC.

Both PMRCs shall accept and review all applications. In order to facilitate a review, each PMRC shall meet as directed by the City Manager and shall report its findings to the City Manager and City Council.

Each PMRC shall review applications for technical compliance with the attached proposal requirements as well as each PMRC's criteria. At a minimum, each PMRC shall review proposals based on consideration of the following factors:

1. Does the site have sufficient space and an appropriate location for the proposed monument? This determination shall be based on a site plan attached to this document and shall take into consideration safety, traffic, utilities, access, orientation, pedestrian circulation, functionality of available locations, and overall suitability. The City may designate certain areas as appropriate for specific types of monuments.
2. Is there a funding mechanism for development and installation costs? Is the funding source multi-disciplinary? If so, how many contributors are there?
3. Will acceptance of the monument require modification of the site or any upfront or continuing maintenance costs to the City? Is the applicant requesting financial assistance from the City?
4. Does the proposed monument comply with the above stated mission? Monuments which do not comply with the mission of the City shall not be accepted i.e. monuments that would divide, criticize, belittle, ridicule or denigrate the community as a whole or any part thereof.
5. Is the proposed monument constructed of material that will not pose a safety hazard to the public? Is the proposed monument constructed of material that will maintain its integrity for a minimum of fifty years?
6. Did the proposal comply with all requirements set forth in the Requirements for Proposals?
7. Will the proposed monument require special or additional insurance, or any other special requirements not typical of other park or facility improvements?
8. Are there any associated/continuing/annual events or ceremonies required upon acceptance of the monument? If so, what would those entail?

Both PMRCs shall assemble and make required findings in writing within 60 calendar days of receiving a proposal.

APPLICATION REQUIREMENTS

Any person or organization who desires to contribute a monument as a permanent addition to a City park or public facility must submit an application. All applications shall be in writing and shall comply with the following requirements.

The applicant shall supply a letter of introduction to the applicable PMRC. The letter shall be accompanied by the application which shall include:

1. A statement of the name of the monument and a picture, rendering, or plan of the monument.
2. A statement by the applicant explaining how the monument relates to the mission of the City, the purpose and policy statements set forth above, and how the proposal complies with the requirements of this policy.
3. The application shall set forth the name, address and phone number of the applicant and title of the monument and its estimated value.
4. The application shall include a complete description of the monument, the size, weight, proposed materials and installation requirements of the monument.
5. The application shall describe the text of any plaque, inscription or other description to be displayed with the monument.
6. The application shall set forth a description of all required site work and a cost estimate for installation.
7. The application shall describe any annual or periodic maintenance that may be required to keep the monument in good condition and repair.
8. The application may suggest a proposed site for the monument. If the applicant proposes a site, the applicant shall submit a plan of the monument layout within the proposed site. The applicant should also indicate if City staff has made recommendations regarding the proposed site.
9. The PMRC may require any additional information that it deems necessary for a thorough review of the application.